

**KENTUCKY PERSONNEL BOARD
MINUTES OF MAY 15, 2015**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Vice Chairman Larry Gillis on May 15, 2015, at approximately 9:30 a.m., 28 Fountain Place, Frankfort, Kentucky.

Board Personnel Present:

Wayne "Doug" Sapp, Chairman
Larry B. Gillis, Vice Chairman
David B. Stevens, Member
David F. Hutcheson, Jr., Member
Tommy W. Chandler, Member
Amanda Cloyd, Member
Mark A. Sipek, Executive Director and Secretary
Boyce A. Crocker, General Counsel
Linda R. Morris, Administrative Section Supervisor
Cynthia Perkins, Administrative Specialist

2. **READING OF THE MINUTES OF REGULAR MEETING HELD APRIL 17, 2015**

The minutes of the last Board meeting had been previously circulated among the members. Vice Chairman Gillis asked for additions or corrections. Mr. Hutcheson moved to approve the minutes, as submitted. Ms. Cloyd seconded and the motion carried 5-0. [Vice Chairman Gillis declined to vote throughout the proceedings unless noted.] The Board members signed the minutes.

3. **EXECUTIVE DIRECTOR'S REPORT**

Mr. Sipek stated that training provided by the Kentucky Association of Administrative Adjudicators (KAAA) was Friday, May 8, 2015. Mr. Sipek stated that he, Mr. Crocker, and four hearing officers attended this training.

Mr. Sipek announced that approval was received from the Governor's office to post Ms. Morris' position of Administrative Section Supervisor. She is retiring at the end of July 2015.

Mr. Sipek stated that the Kentucky Horse Park has withdrawn their request for the petitioned position of Executive Assistant.

Mr. Sipek announced the Governor's office reappointed Judge Tommy Chandler to the Personnel Board and he was pleased to have him back. Prior to commencement of the meeting, Mr. Crocker had sworn in Judge Chandler.

At the conclusion of Mr. Sipek's report, Vice Chairman Gillis called for the Personnel Cabinet's report.

4. **PERSONNEL CABINET'S REPORT**

The Hon. Dinah Bevington, Executive Director, came forward to present the Personnel Cabinet's report.

Ms. Bevington provided copies of the following amended regulations:

101 KAR 2:020, Classification plan
101 KAR 2:034, Classified compensation administrative regulations
101 KAR 2:046, Applications, qualifications, and examinations
101 KAR 2:056, Registers
101 KAR 2:066, Certification and selection of eligible for appointment
101 KAR 2:120, Incentive Programs
101 KAR 3:045, Compensation plan and pay incentives

Ms. Bevington summarized the amended regulations and stated they will be filed with LRC next month upon the Board's approval. Dr. Stevens asked how employees find out about changes to the regulations. Ms. Bevington stated that the Personnel Cabinet issues a memorandum to be distributed to all employees.

Dr. Stevens moved to approve the amended regulations. Mr. Sapp seconded and the motion carried 5-0.

5. **PETITIONED POSITIONS**

A. ~~**Kentucky Horse Park—Executive Assistant**~~ **Withdrawn by Agency**

6. **ORAL ARGUMENTS**

A. **Erick Steinbergen v. Justice and Public Safety Cabinet (Corrections)**
(2014-183)

Present for oral arguments were Appellant, Erick Steinbergen, and counsel for Appellee, the Hon. Ed Baylous. After presenting oral arguments, the parties answered questions from the Board.

B. **Kim Sutherland v. Transportation Cabinet (2014-187)**

Present for oral arguments were Appellant, Kim Sutherland, and counsel for Appellee, the Hon. Will Fogle. After presenting oral arguments, the parties answered questions from the Board.

C. Dorsie Terrill v. Transportation Cabinet (2014-314)

Present for oral arguments were counsel for Appellant, the Hon. Paul Fauri; and counsel for Appellee, the Hon. Will Fogle. After presenting oral arguments, the parties answered questions from the Board.

7. CLOSED SESSION

Dr. Stevens moved that the Board go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudications. Judge Chandler seconded. Vice Chairman Gillis stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), and (j), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 5-0. (10:40 a.m.)

Mr. Sapp moved to return to open session. Judge Chandler seconded and the motion carried 5-0. (11:35 a.m.)

8. CASES TO BE DECIDED

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments where applicable.

**A. Erick Steinbergen v. Justice and Public Safety Cabinet (Corrections)
(2014-183)**

Mr. Hutcheson, having noted Appellee's exceptions and oral arguments, moved to accept the recommended order sustaining the appeal to the extent therein. Dr. Stevens seconded and the motion carried 5-0.

B. Kim Sutherland v. Transportation Cabinet (2014-187)

Mr. Sapp, having noted oral arguments, moved to defer this matter to the June Board meeting. Mr. Hutcheson seconded and the motion carried 5-0.

C. Dorsie Terrill v. Transportation Cabinet (2014-314)

Ms. Cloyd, having noted Appellant's exceptions, Appellee's response and oral arguments, moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 5-0.

D. Carrie Marshall-Robinson v. Cabinet for Health and Family Services (2014-269)

Mr. Sapp, having noted Appellant's exceptions and Appellee's response, moved to accept the recommended order [with clerical correction] to dismiss the appeal upholding the Appellant's dismissal; but sustained to the extent of the Agency reimbursing Appellant certain travel expenses. Dr. Stevens seconded and the motion carried 5-0.

E. Susan Boyd v. Education and Workforce Development Cabinet (2014-253)

Mr. Hutcheson moved to accept the recommended order dismissing the appeal. Judge Chandler seconded and the motion carried 5-0.

F. Natasha Murray v. Department of Education (2015-015)

Judge Chandler moved to accept the recommended order sustaining the appeal. Mr. Sapp seconded and the motion carried 5-0.

G. Sandra Tabor v. Justice and Public Safety Cabinet (Corrections) (2014-272)

Mr. Hutcheson moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 5-0.

H. Jamie C. Ward v. Justice and Public Safety Cabinet (Corrections) (2014-076)

Ms. Cloyd moved to accept the recommended order dismissing the appeal. Mr. Hutcheson seconded and the motion carried 5-0.

Show Cause Orders – No Response Filed – Appeals Dismissed

Mr. Sapp moved to find that the Appellants had not responded to the show cause order and that the recommended orders be accepted dismissing the appeals for failure to timely prosecute the appeals. Dr. Stevens seconded and the motion carried 5-0.

- I. Justin Bryant v. Justice and Public Safety Cabinet (Corrections)
- J. Tonya Parrett v. Justice and Public Safety Cabinet (Corrections)
- K. Janet L. Smith v. Justice and Public Safety Cabinet (Juvenile Justice)
- L. Charles Ewing v. Transportation Cabinet (2 appeals)

9. **WITHDRAWALS**

Judge Chandler moved to accept the following withdrawal of appeals *en bloc* and dismiss the appeals. Ms. Cloyd seconded and the motion carried 5-0.

- A. Pamela Cropper-Vice v. Cabinet for Health and Family Services
- B. Jason Kennedy v. Justice and Public Safety Cabinet (Juvenile Justice) and Personnel Cabinet
- C. Robyn Lee v. Cabinet for Economic Development
- D. Tracy Simmons v. Cabinet for Health and Family Services
- E. Ronald Hacker v. Public Protection Cabinet
- F. Sandra Harston v. Justice and Public Safety Cabinet

10. **SETTLEMENTS**

Mr. Hutcheson moved to issue settlement orders and to sustain the appeals *en bloc* to the extent set forth in the settlements as submitted by the parties. Dr. Stevens seconded and the motion carried 5-0.

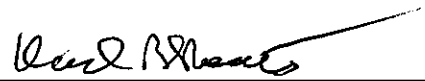
- A. Megan Jones v. Transportation Cabinet
- B. Tena R. Phillips v. Cabinet for Health and Family Services (mediated)
- C. Frederic Mark Farmer v. Finance and Administration Cabinet


11. **OTHER**

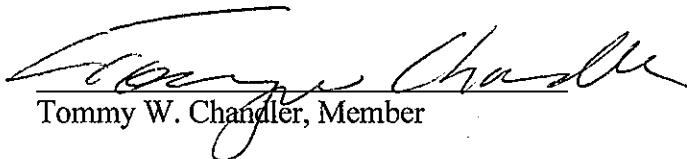
There being no further business, Dr. Stevens moved to adjourn. Mr. Sapp seconded and the motion carried 5-0. (11:40 a.m.)


Wayne D. Sapp, Chairman

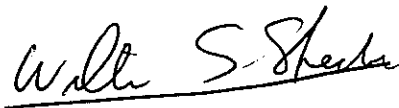

Larry Gillis, Vice Chairman


David B. Stevens, Member


David F. Hutcheson, Member


Tommy W. Chandler, Member


Amanda Cloyd, Member


William S. Shock